

## To Call Concordia University Texas Leadership to Repentance

### RESOLUTION 7-03

#### **Reports R1, R14, R64 (CW, 1-3, 64-69, 173-79); Overture 7-18 (CW, 359); Report LR67 (TB, 1:30-34)**

WHEREAS, Concordia University Texas (CTX), since its founding in 1926 by The Lutheran Church—Missouri Synod (LCMS), has operated and been governed under the Constitution and Bylaws of the Synod; and

WHEREAS, On Nov. 8, 2022, a majority of the CTX Board of Regents (BOR) voted to take action unilaterally to modify the CTX bylaws and articles of incorporation (the “governing documents”) in an attempt to make the BOR a self-appointing, self-perpetuating board, no longer subject to the Bylaws of the Synod; and

WHEREAS, This purported separation was in direct contradiction to the Constitution and Bylaws, which the officers of the Synod and its agencies are obligated to uphold and implement (See Bylaw 1.4.3 and 1.4.5); and

WHEREAS, The Fourth Commandment requires that we honor our authorities, the Seventh Commandment protects the property of all, and the Ninth and Tenth Commandments protect us from all evil desires which lead to the breaking of all the other commandments; and

WHEREAS, This purported separation has caused great offense and division within the Church body; and

WHEREAS, Many throughout the Synod recognize that this action, if allowed to stand, will deprive the Synod and its congregations of an institution to train and certify men and women for professional church work and to aid the church in its mission to vigorously make known the love of Christ to all students enrolled at the university; and

WHEREAS, The report, “Ecclesiastical Visitation of Concordia University Texas” (Report R64, *Workbook*, 173-79), makes it clear that CTX has undergone significant mission and theological drift away from LCMS doctrine and practice on many issues, including Diversity, Equity, and Inclusion (DEI), especially programs that relate to sex, gender, marriage, and family, leading the university away in significant mission drift from the biblical positions and practices of the LCMS; and

WHEREAS, The President of the Synod, Synod Board of Directors (BOD), and Concordia University System (CUS) BOD admonished the CTX BOR that it did not have authority unilaterally to modify its governing documents, and that its purported separation, action was illegitimate, null and void and contrary to the Bylaws; and

WHEREAS, The President of the Synod, the Synod BOD, and the CUS BOD engaged in extensive communications with the CTX BOR, including in-person meetings and multiple correspondence (“Walking Away: Concordia University Texas Holds to ‘Ill-Advised Course.’” *Reporter*, June 2023), in an effort to persuade the CTX BOR to correct its illegitimate and wrongful purported separation and to restore CTX’s governing documents to be compliant with the Bylaws; and

WHEREAS, The Synod BOD submitted to the Commission on Constitutional Matters (CCM) several questions regarding the CTX BOR Nov. 8, 2022, action, and its purported attempt to unilaterally change CTX’s governing documents, both with respect to the process CTX followed and with respect to the action taken; and

WHEREAS, Upon receiving the questions from the Synod BOD, the CCM, pursuant to Bylaw 3.9.2.2 (b), invited input from the President of the Synod, the Synod BOD, the CUS BOD, the boards of regents of all CUS universities, the CUS President, and Synod legal counsel, providing ample time for all of these interested persons and entities to provide input regarding the questions presented by the Synod BOD; and

WHEREAS, The CTX BOR, accordingly, was given notice of the questions submitted by the Synod BOD to the CCM and was given ample time to provide input with respect to those questions before the CCM issued its opinion; and

WHEREAS, CCM Opinion 23-3006 (“University Board of Regents Unilateral Separation”) concludes, in part, as follows:

- Bylaw 3.3.4.10 authorizes the Synod Board of Directors to obtain from any agency of the Synod all records and other information relative to the property of the Synod and to matters over which the Board of Directors has general oversight.
- That every board and every university of the Synod is an “agency” of the Synod as defined in Bylaw 1.2.1 (a).

- That every agency of the Synod is bound by the Constitution, Bylaws, and Resolutions of the Synod (Bylaw 1.4.5) and therefore any action taken by an agency which contradicts the Constitution, Bylaws, or resolutions of the Synod is null and void.
- That a Synod university which wishes to change its articles of incorporation or its bylaws is required to receive advance approval from the CCM under Bylaw 3.9.2.2.3 (a) and failure to do so makes any such change null and void and unable to be put into practice.
- That the boards of regents and individual members of the CUS universities have a fiduciary duty to the Synod under Bylaw 3.10.6.4 (i).
- That a board of regents of a CUS university does not have authority to unilaterally change its governance model from that described in Synod Bylaws or to unilaterally amend its articles or bylaws without prior approval.
- That any purported change to the bylaws or articles of incorporation of a CUS university made without the approval of the CCM is “null and void.”
- That individual members of a CUS university board of regents each have a duty to comply with the Synod Constitution Bylaws, and resolutions.

and

WHEREAS, Bylaw 3.9.2.2 (c) states that an opinion rendered by the CCM “shall be binding on the question decided unless and until it is overruled by a convention of the Synod”; and

WHEREAS, On April 4, 2023, the CTX BOR took action to affirm its illegitimate and wrongful purported separation; and

WHEREAS, Following the issuance of CCM Op. 23-3006, in a letter dated May 9, 2023, the Synod BOD, pursuant to its authority under Bylaw 3.3.4.10, as referenced in the CCM Opinion, requested information from the CTX BOR relating to the Synod BOD oversight responsibility; and

WHEREAS, In a letter from its chairman dated May 17, 2023, the CTX BOR refused to provide the information requested by the Synod BOD, asserting that CTX is not subject to the Bylaws; and

WHEREAS, The CTX BOR, the CTX president and certain CTX administrators have steadfastly refused to accept the advice and admonition of the President of the Synod, Synod BOD, and CUS BOD, and have overtly and directly defied the final and binding CCM Op. 23-3006; and

WHEREAS, Neither the CTX BOR nor any of its members nor the CTX president and administration have sought to overrule CCM Op. 23-3006; therefore be it

*Resolved*, That the Synod in convention affirm CCM Op. 23-3006 in its entirety; and be it further

*Resolved*, That the Synod in convention affirmatively conclude that the CTX BOR members who voted in favor of the April 4, 2023, action that affirmed the CTX BOR’s purported separation have acted in direct conflict with the Constitution and Bylaws, as well as CCM Op. 23-3006; and be it further

*Resolved*, That the Synod in convention affirmatively conclude that the CTX president and those CTX administrators who have advocated for and supported the purported separation have acted in direct conflict with the Constitution and Bylaws; and be it further

*Resolved*, That the Synod in convention encourage the appropriate ecclesiastical supervisors to investigate and to determine any appropriate disciplinary action that should be taken against the CTX president and any member of the CTX BOR who is a rostered church worker; and be it further

*Resolved*, That the Synod in convention encourage the President of the Synod, LCMS BOD, the CUS and its board, and the appropriate district presidents to take all appropriate actions to address this situation; and be it further

*Resolved*, That the Synod in convention call upon the CTX president, those CTX administrators who have advocated for and supported the purported separation, and the CTX BOR to submit to the governance of the Synod as laid out in the Constitution and Bylaws; and be it further

*Resolved*, That the Synod in convention call upon the CTX president, those CTX administrators who have advocated for and supported the purported separation, and the CTX BOR to repent for having broken the Fourth,

Seventh, Ninth, and Tenth Commandments, and to apologize publicly for the illegitimate and wrongful purported separation; and be it finally

*Resolved*, That the President of Synod stand prepared to grant holy absolution to those who repent and want to do better by rescinding their actions resulting in reconciliation and restoration.

**Action:** Adopted (5)

[Yes: 716; No:283]